

HON. JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

B. E. and A. R., on their own behalf and on  
behalf of all similarly situated individuals,

Plaintiffs,

v.

DOROTHY F. TEETER, in her official  
capacity as Director of the Washington State  
Health Care Authority,

Defendant.

NO. 2:16-cv-00227-JCC

DECLARATION OF  
ELEANOR HAMBURGER

**Noted for Consideration:**  
**April 15, 2016**

I, Eleanor Hamburger, declare under penalty of perjury and in accordance with  
the laws of the United States and of the State of Washington that:

1. I am one of the attorneys for the plaintiffs in this case.
2. I have worked my entire career representing individuals and classes  
regarding access to health care and health benefits. I graduated from New York  
University School of Law where I was a Root-Tilden-Snow scholar. After law school I  
worked at the Office of the Public Advocate in New Jersey and at Consumers Union's  
West Coast Regional Office in San Francisco before moving to Seattle, Washington.
3. I worked at Columbia Legal Services from 1998 to 2004 as a staff attorney  
in its Tacoma and Seattle offices. My practice included representing low-income elderly

1 and disabled individuals to obtain access to Medicaid services. During my tenure at  
 2 Columbia Legal Services, I also taught the Disability Law Clinic at the University of  
 3 Washington School of Law, supervising legal interns as they represented individuals in  
 4 disputes involving Medicaid benefits from the Department of Social and Health Services.

5 4. In 2004, I joined the law firm of Sirianni Youtz Meier & Spoonemore, now  
 6 Sirianni Youtz Spoonemore Hamburger, representing clients in business litigation,  
 7 insurance coverage disputes, ERISA health/disability and pension/profit-sharing  
 8 litigation, and securities fraud. I continue to represent Medicaid beneficiaries, often on  
 9 a *pro bono* basis. In 2009, I became a partner in the law firm.

10 5. I am also a co-founder and former president of the Northwest Health Law  
 11 Advocates, a nonprofit health law and advocacy organization dedicated to increasing  
 12 access to health care and health coverage in Washington state.

13 6. I am or have been class counsel in the following class actions: *Dunakin v.*  
 14 *Quigley*, No. C14-0567-JRL, Federal District Court, Western District of Washington, *P.S.*  
 15 *v. State of Oregon and Oregon PEBB*, No. 14C15068, Marion County Circuit Court, Salem  
 16 Oregon; *C.S. v. Boeing*, No. 2:14-cv-00574-RSM, Federal District Court, Western District  
 17 of Washington; *M.T.E. v. Washington Dep't. of Social and Health Svcs.*, No. 11-2-01209-1,  
 18 Thurston County Superior Court, Olympia, Washington; *A.M. v. Moda Health Plan Inc.*,  
 19 2:14-cv-1191-TSZ, Federal District Court, Western District of Washington; *R.H. v. Premera*  
 20 *Blue Cross*, No. 2:13-cv-00097-RAJ, Federal District Court, Western District of  
 21 Washington; *K.M. v. Regence BlueShield*, No. 2:13-cv-01214-RAJ, Federal District Court,  
 22 Western District of Washington; *Z.D. v. Group Health Cooperative*, No. 2:11-CV-01119-  
 23 RSL, Federal District Court, Western District of Washington; *Elkins v. Dreyfus*,  
 24 No. 2:10-cv-01366-MJP, Federal District Court, Western District of Washington; *Gabriel*,  
 25 *et al. v. Nationwide Life Ins. Co.*, Federal District Court, Western District of Washington,  
 26 No. 09-CV-00508-JCC; *Washington Education Association et al., v. Washington Department*

1 of Retirement Systems, et al., No. 11-2-02213-4, Thurston County Superior Court; *O.S.T. v.*  
 2 *Regence BlueShield*, No. 11-2-34187-9 SEA, King County Superior Court; *D.M. v. Group*  
 3 *Health Cooperative*, No. 10-2-28618-7 SEA, King County Superior Court; *D.F. v.*  
 4 *Washington State Health Care Authority et al.*, No. 10-2-29400-7 SEA; King County Superior  
 5 Court; *A.G. v. Premera Blue Cross*, No. 11-2-30233-4 SEA, King County Superior Court;  
 6 *J.P. v. Premera Blue Cross*, No. 12-2-33676-8 SEA, King County Superior Court; and *Rockey*  
 7 *v. The Center for Counseling and Health Resources, et al.*, Snohomish County Superior Court,  
 8 No. 09-2-02242-7. I was also the lead counsel representing a coalition of health care  
 9 advocacy organizations successfully opposing the conversion of a nonprofit health  
 10 insurer in *Premera Blue Cross v. Kreidler*, 133 Wn. App. 23, 131 P.3d 930 (2006).

11 7. I have represented many individuals challenging denials of access to  
 12 health care benefits by their third-party payors. See, e.g., *A.A. v. Blue Cross Blue Shield of*  
 13 *Ill.*, No. 2:13-cv-00357-RSM, Federal District Court, Western District of Washington  
 14 (2014); *Roberts v. Regence BlueShield*, No. 09-2-38690-1 SEA (King Co. Superior Court  
 15 2010); *K.J. v. Regence BlueShield*, No. 09-2-17149-1 SEA (King Co. Superior Court, 2009);  
 16 *K.F. v. Regence BlueShield*, 2008 WL 4223613 (W.D. Wash. 2008); *Murch v. Prudential*, No.  
 17 C05-0992P (W.D. Wash. 2006); and *Caffell v. Regence BlueShield*, No. C03-3374-RSM (W.D.  
 18 Wash. 2005).

19 8. My law firm has extensive experience in class action litigation. We  
 20 represent both plaintiffs and defendants, and have experience in all aspects of class  
 21 litigation, from certification through claims processing. For example, in addition to cases  
 22 where I was personally appointed class representative, our firm has represented classes  
 23 in the following cases: *Wright v. Riveland*, 219 F.3d 905 (9th Cir. 2000); *Dean v. Lehman*,  
 24 143 Wn.2d 12, 18 P.2d 523 (2001); *Lindenbaum v. Foster & Marshall*, King County Superior  
 25 Court, No. 88-2-07503-4; *Lynn v. Murphy Fare, Inc., et. al.*, Montana District Court,  
 26 No. 77454; *Polik v. Seattle Chocolate*, King County Superior Court, No. 97-2-15636-0SEA;

1 and *Carter v. Washington Mutual*, King County Superior Court, No. 93-2-05790-3. Sirianni  
 2 Youtz Spoonemore Hamburger has also represented target defendants in various cases,  
 3 including cases such as *In Re: Littlefield Adams & Co. Securities Litigation*, U.S. District  
 4 Court for the Southern District of Texas at San Antonio, No. SA-93-CA 561, and *Fitting*  
 5 *v. Don Carlton Honda*, King County Superior Court, No. 92-2-11211-6.

6 9. In short, both I and my firm have substantial experience in connection with  
 7 class management, notice to class members, class certification, class discovery and class  
 8 settlements. We are well positioned to act as class counsel in this case.

9 10. The firm has committed extensive resources to this litigation, and will  
 10 continue to do so. We spent a considerable amount of time investigating the claims and  
 11 defenses in this case. In this litigation to date, we have already spent many hours on this  
 12 case, and we will continue to devote the time and resources to this case through  
 13 conclusion.

14 11. My firm previously filed putative class actions against Bridgespan,  
 15 Regence BlueShield and Group Health Cooperative when those insurers limited  
 16 coverage for DAAs to insureds with fibrosis scores of F3 and F4. *See Kriger v. Bridgespan*  
 17 *Health Company*, King County Superior Court Cause No. 16-2-01673-SEA; *Miller v.*  
 18 *Regence BlueShield*, King County Cause No. 16-2-03421-7-SEA; *Morton v. Group Health*  
 19 *Cooperative*, King County Cause No. 16-2-02011-9-SEA. Within weeks of filing these  
 20 action, all three insurers reversed their policies and agreed to cover insureds regardless  
 21 of fibrosis score.

22 12. Attached are true and correct copies of the following documents:

Exhibit	Description
A	The Washington State Health Care Authorities 2016 Supplemental Budget Request on Hepatitis C Treatment Expansion.

Exhibit	Description
<b>B</b>	Excerpts from the Washington State Pharmacy and Therapeutics Committee Drug Utilization Review Board Meeting dated October 22, 2105.
<b>C</b>	The Washington State Health Care Authorities 2016 Supplemental Budget Request on Hepatitis C Treatment Adjustment.
<b>D</b>	Excerpts from a PowerPoint by Donna L. Sullivan, Washington State's Chief Pharmacy Officer, on Hepatitis C Coverage Criteria dated October 21, 2015.
<b>E</b>	Washington State's Plan under Title XIX of the Social Security Act.
<b>F</b>	The Centers for Medicare and Medicaid Services November 5, 2015 Release No. 172 concerning "Assuring Medicaid Beneficiaries Access to Hepatitis C (HCV) Drugs."
<b>G</b>	Consent Order for Declaratory and Injunctive Relief in <i>Mead v. Burdman</i> , King County Cause No. 818663 dated March 20, 1978.
<b>H</b>	Stipulation and Agreement on Motion for Contempt in <i>Mean v. Burdman</i> , King County Cause No. 818663 dated October 24, 1983.

DATED: March 18, 2016, at Seattle, Washington.

/s/ Eleanor Hamburger  
Eleanor Hamburger

**CERTIFICATE OF SERVICE**

I hereby certify that on March 18, 2016, I caused the foregoing to be electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

- Angela D. Coats McCarthy  
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DATED: March 18, 2016, at Seattle, Washington.

/s/ Eleanor Hamburger  
Eleanor Hamburger (WSBA #26478)